



CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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<https://www.nolaerb.gov/>

BOARD MEETING

Monday, October 26, 2020

3:30 P.M. – 5:30 P.M.

The board will conduct this meeting via Zoom Video Conference and Telephone Conference

Video Conference Link: <https://loyno.zoom.us/j/5049753263>

Telephone Conference Dial-In Number: 312-626-6799; ID No. 504 975 3263

Certification of Necessity: The board hereby certifies that it is unable to satisfy live-meeting quorum requirements due to the COVID-19 declaration of emergency. *See* [State of Louisiana, Executive Department Proclamation No. JBE 2020-30 § 4](#) (Mar. 16, 2020) (permitting video conference meetings due to gubernatorial declaration of state of emergency); [State of Louisiana, Executive Department Proclamation No. 111 JBE 2020 § 1](#) (August 26, 2020) (providing that “statewide public health emergency is declared to continue to exist”).

AGENDA

1. Ratification of certification of necessity for videoconference/teleconference meeting (Chair).
2. Approval of minutes of previous board meeting (Chair).
3. Discussion of monthly report from the Office of Inspector General (Chair).
4. Discussion of monthly report from the Office of Independent Police Monitor (Chair).
5. Discussion of monthly report from the Ethics Trainer (Chair).
6. Extended report of past activities of Ethics Trainer (Chair).
7. Discussion of search process for new Inspector General (Chair).
8. Discussion and vote on proposed amendment to City of New Orleans Code of Ordinances to permit hiring of current inspector general employees within the State of Louisiana as City of New Orleans Inspector General.
9. Report of Executive Administrator and General Counsel (Chair).
10. Adjournment (Chair).

**Draft Minutes of
Previous Board
Meeting**



Ethics Review Board for the City of New Orleans

Board Meeting of October 1, 2020 at 3:30 P.M.

Conducted via Zoom Teleconference Due to COVID-19 Emergency

Minutes

1. *Call to Order.*
 - 1.1. Board members present:
 - 1.1.1. Wanda A. Brooks.
 - 1.1.2. Elizabeth Livingston de Calderon.
 - 1.1.3. Michael A. Cowan (Chair).
 - 1.1.4. Holly Callia.
 - 1.1.5. Tyrone G. Jefferson, Jr.
 - 1.2. Board members absent:
 - 1.2.1. Monique G. Doucette.
 - 1.2.2. Torin T. Sanders.
 - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4. A 3:32 p.m., the Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.
 - 1.5. The agenda for the meeting is attached.
2. *Ratification of Prior Written Certification of Emergency Need for Video Conference Meeting.* Pursuant to [State of Louisiana Executive Department Proclamation No. JBE 2020-30 Section 4 \(March 16, 2020\)](#) and subsequent orders and legislation addressing the

COVID-19 state of emergency, the ERB unanimously agreed to conduct this meeting by video conference and audio conference after certifying that the ERB would not otherwise have been able to operate due to quorum requirements due to the ongoing COVID-19 emergency.

3. *Approval of the Minutes.* The Board unanimously approved the minutes for the September 4, 2020, board meeting.
4. *Introductions.*
 - 4.1. Dr. Cowan noted that this was James Brown's final board meeting. Dr. Cowan thanked him for his service and Mr. Brown departed the meeting.
 - 4.2. Dr. Cowan welcomed Holly Callia to the board as Mr. Brown's replacement for the "UNO" seat. Ms. Callia introduced herself.
 - 4.3. Dr. Cowan welcomed Mr. Jefferson to the board as Dr. Rick's replacement for the "mayor" seat. Mr. Jefferson introduced himself.
 - 4.4. All present board members, staff, OIG staff, and OIPM staff introduced themselves.
5. *Retirement of IG Derry Harper.* Dr. Cowan announced that he had accepted the retirement of Derry Harper effective October 31, 2020. Dr. Cowan thanked Mr. Harper for his service.
6. *Discussion of Monthly Report of the Office of Inspector General.*
 - 6.1. The Office of the Inspector General was represented by IG Derry Harper and Patrice Sullivan. Other OIG staff members were in attendance as well, including Mr. Douglass and Mr. Michel.
 - 6.2. The IG thanked the board for having the opportunity to serve and stated that he was looking forward to his retirement and spending more time with his family.
 - 6.3. Ms. Sullivan reported on the ruling of the Civil Service Commission on the dismissal of former OIG employee Gordy Hyde. The commission found the dismissal of Mr. Hyde to be with cause.
 - 6.4. Mr. Douglass and Mr. Harper discussed the monthly report (attached).
 - 6.5. Mr. Douglass discussed the OIG's annual workplan and noted that the third and final Audubon Institute report was released.
 - 6.6. Mr. Ed. Michel reported on an agreement reached with NOPD to conduct investigations relating to top brass. PIB gets all complaints against NOPD. However, the OIG will assist with investigations for NOPD top brass. NOPD has been transparent and professional.

- 6.6.1. Ms. Calderon clarified that this would not be a significant drain on the office's resources.
- 6.6.2. Ms. Brooks clarified that the source of the complaints would be referrals from PIB.
- 6.7. Mr. Harper noted that the Orleans Parish Sheriff's Office is "high" on the "risk assessment" list and that his office hopes to proceed with some investigations and audits after jurisdictional issues are resolved.
- 7. *Discussion of Monthly Report of the Office of the Independent Police Monitor.*
 - 7.1. IPM Susan Hutson was unavailable. Stella Cziment, Deputy Independent Police Monitor, appeared for the OIPM.
 - 7.2. Ms. Cziment read from and emphasized various portions of the monthly report of the OIPM (attached).
 - 7.3. Ms. Cziment noted that the OIPM provided input on strip search guidelines.
 - 7.4. Dr. Cowan asked about the process for making complaints against NOPD officers. He expressed concern that complaints remain confidential so NOPD insiders will not be reluctant to make complaints.
- 8. *Report of the Ethics Trainer.*
 - 8.1. Ms. Toni Hackett did not attend the board meeting. Mr. Eric Caulfield reported on ethics training.
 - 8.2. Ms. Hackett filed no monthly report.
 - 8.3. Mr. Caulfield noted that an "Ethics Leadership Series" was to launch soon. It will target leaders of various departments.
 - 8.4. Ms. Calderon asked whether the state ethics board permitted online training? Mr. Caulfield did not know.
 - 8.5. Ms. Calderon asked the trainers to share the curriculum for leadership training. Mr. Caulfield agreed to do so. She also asked that those materials be placed on the ERB website.
- 9. *Report of Executive Administrator and General Counsel.*
 - 9.1. Mr. Ciolino reported that no new complaints had been received.
 - 9.2. Mr. Ciolino noted he would reach out to potential search firms to assist with the IG search process. Ms. Calderon discussed the need to amend the City Code of Ordinances to widen the pool of eligible candidates.

- 9.3. Mr. Ciolino discussed the Board's upcoming deadlines and events.
10. *Membership in COGEL.* The board unanimously approved a motion, which was duly seconded, that the City of New Orleans Ethics Review Board become a governmental member of the Council on Governmental Ethics Laws (COGEL). The dues are less than \$500.00/year.
11. *Adjournment.*
- 11.1. A motion was made to adjourn the board meeting. The motion was seconded.
- 11.2. The Board unanimously voted to adjourn.
- 11.3. The meeting was adjourned at 4:58 p.m.

* END *

Monthly Report of OIG

No report received.

Monthly Report of OIPM

THE OFFICE OF THE INDEPENDENT POLICE MONITOR



MONTHLY REPORT

SEPTEMBER 2020

Community Letter

Dear New Orleans Community,

This month has brought OIPM to the frontlines – whether it was supporting the city’s efforts in Hurricane Sally preparedness or it was testifying at the Capitol regarding policing in Louisiana – OIPM took up the call to ensure the needs of the community were heard and represented.

September started with the OIPM providing expert testimony to the Community Relations and Internal Operations Subcommittee at the Louisiana State Capitol. I provided testimony to legislators regarding community complaints, the Law Enforcement Bill of Rights, and the enforcement of the law while officers are under investigation for misconduct. This was an appreciated opportunity for OIPM to share our model of police oversight with the state government so other Louisiana parishes can learn about the role of civilian and independent governmental oversight of law enforcement.

On September 14, as the City of New Orleans prepared for the possibility of Hurricane Sally, the OIPM management team worked out of the Emergency Operations Command center and the Public Integrity Bureau to monitor the NOPD hurricane response plan in action. OIPM observed and dialogued with NOPD leadership to ensure that the police fulfilled their responsibility to effectively police if an evacuation was required and that leadership was ready to immediately respond and report any alleged misconduct that occurs during this potential natural disaster. OIPM will continue to work with leadership moving forward to ensure the police are prepared to serve the community during any future declared emergencies.

The OIPM commends the community for speaking out this month about the police response to protests on June 3, 2020 and its use of tear gas and the city for listening. During September, the city council passed an ordinance banning the use of tear gas. OIPM was integral in providing the relevant groups involved in this process insight into NOPD practices and policies regarding tear gas, use of force, and misconduct and disciplinary procedures. Moving forward, the OIPM looks forward to working with NOPD leadership to ensure this city ordinance is reflected in all internal policies and training.

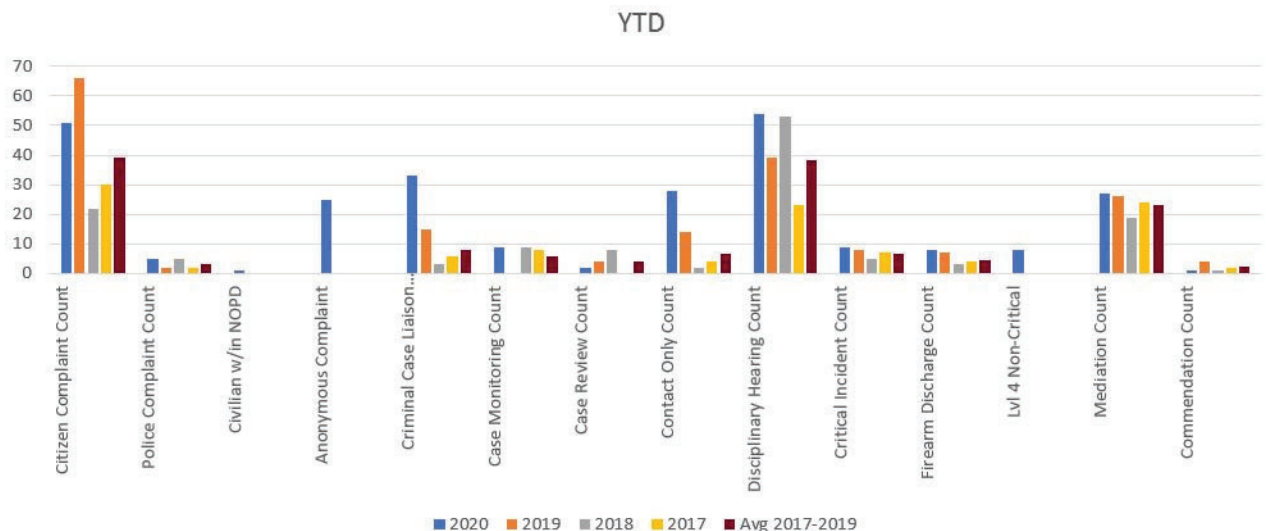
The OIPM played an important role in a recent arrest of a NOPD officer for his alleged inappropriate relationship with a teenager. OIPM received an anonymous complaint regarding the possibility of this misconduct and immediately took action. The OIPM worked all of the involved persons to ensure there was a swift and sensitive response and investigation of the allegations. While OIPM is always sad to learn of such allegations of misconduct in our community, we appreciate the trust the people of New Orleans have to disclose this information to us and the NOPD’s partnership to provide the necessary immediate accountability required.

Thank you,

Susan Hutson

Year to Date Overview

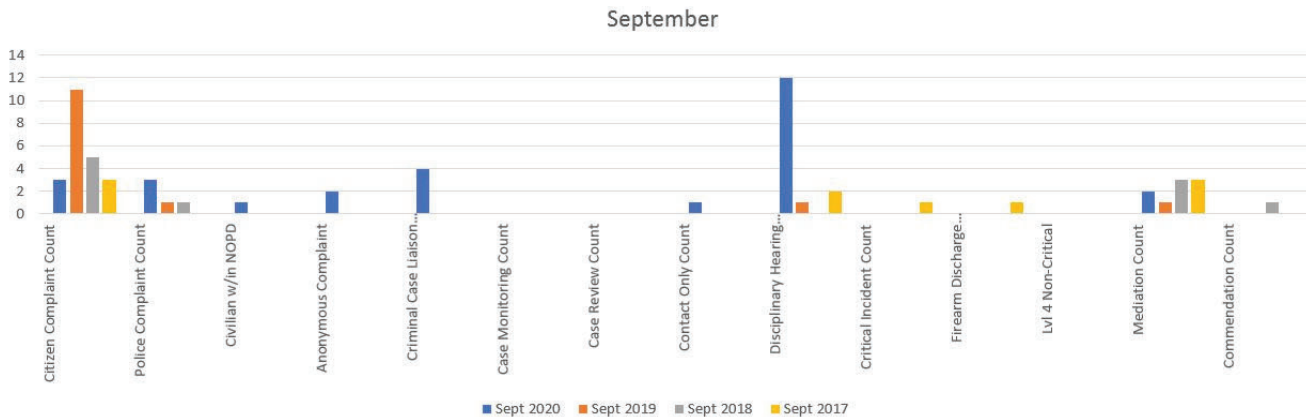
	2020	2019	2018	2017	Avg 2017-2019
Citizen Complaint Count	51	66	22	30	39.33
Police Complaint Count	5	2	5	2	3.00
Civilian w/in NOPD*	1	0	0	0	-
Anonymous Complaint*	25	0	0	0	-
Criminal Case Liaison Count	33	15	3	6	8.00
Case Monitoring Count	9	0	9	8	5.67
Case Review Count	2	4	8	0	4.00
Contact Only Count	28	14	2	4	6.67
Disciplinary Hearing Count	54	39	53	23	38.33
Critical Incident Count	9	8	5	7	6.67
Firearm Discharge Count	8	7	3	4	4.67
Lvl 4 Non-Critical*	8	0	0	0	-
Mediation Count	27	26	19	24	23.00
Commendation Count	1	4	1	2	2.33
Grand Total	261	185	130	110	141.67



*indicates a new category

September Overview

	Sept 2020	Sept 2019	Sept 2018	Sept 2017	Avg 2017-2019
Citizen Complaint Count	3	11	5	3	6.33
Police Complaint Count	3	1	1	0	0.67
Civilian w/in NOPD*	1	-	-	-	-
Anonymous Complaint*	2	-	-	-	-
Criminal Case Liaison Count	4	-	-	-	-
Case Monitoring Count	0	0	0	0	0.00
Case Review Count	0	0	0	0	0.00
Contact Only Count	1	0	0	0	0.00
Disciplinary Hearing Count	12	1	0	2	1.00
Critical Incident Count	0	0	0	1	0.33
Firearm Discharge Count	0	0	0	1	0.33
Lvl 4 Non-Critical*	0	-	-	-	-
Mediation Count	2	1	3	3	2.33
Commendation Count	0	0	1	0	0.33
Grand Total	28	14	10	10	14.33



*indicates a new category

September Overview

Police Complaints	
PO2020-0076	According to a Sergeant within the NOPD, her supervisor is targeting her by assigning additional work and treating her unfairly in response to her filing a complaint against another employee.
PO2020-0080	According to a Sergeant within the NOPD, the Deputy Chief and Captain of his department are making it difficult for him to act as a supervisor and fail to support him with management decisions.
PO2020-0081	An anonymous police officer working within NOPD mailed a letter to the OIPM regarding a supervisor pretending to perform a sexual gesture on another employee in the department.
Police Complaint Count: 3	

Mediation
Mediation cases are confidential.
Mediations Held: 2

Disciplinary Hearings	
DH2020-0043	Responding Lieutenant is accused of failing to conduct a thorough Use of Force inquiry and investigation, enabling him to miss a Level 4 Use of Force. An officer is accused of failing to disclose a Conducted Electrical Weapon (CEW) cycle used on a handcuffed individual.
DH2020-0044	Officer responding to a call for service regarding an individual with a gun in the French Quarter is accused of failing to take necessary and immediate police action.
DH2020-0045	Two officers are accused of entering a residence without consent or a warrant and conducting a search and arrest.
DH2020-0046	Officer is accused of being unprofessional towards a member of the public while being executing an Order of Protective Custody.
DH2020-0047	Sergeant is accused of having inappropriate material on his NOPD computer in violation of NOPD policy.
DH2020-0048	Sergeant and a Senior Police Officer are accused of failing to disclose possible criminal prosecution resulting from actions taken while in the military.
DH2020-0049	Sergeant is accused of failing to report an allegation of sexual assault and inappropriate conduct with a juvenile reported to him by an estranged family member.
DH2020-0050	Officer is accused of using unauthorized force by kneeling on an arrested individual's neck in violation of NOPD policy.

September Overview

Disciplinary Hearings Continued	
DH2020-0051	Officer is accused of firing his service weapon into a window of a house without having a visible target prior to firing the firearm in violation of NOPD policy.
DH2020-0052	Officer responding to a single-vehicle accident is accused of violating NOPD policy by destroying the ticket once it was written, failing to notify his supervisor to void the ticket, possibly including inaccurate information in the crash report and removing his Body Worn Camera (BWC) while speaking to the driver.
DH2020-0053	Officer is accused of pursuing a vehicle without requesting authorization from his supervisor. The supervising Sergeant is accused of being aware of the pursuit and failing to perform the required supervisory responsibilities regarding the pursuit.
DH2020-0054	Five officers are accused of mishandling a traffic stop by being discourteous, unprofessional, improperly putting the civilian in handcuffs, and using unauthorized force. The responding Sergeant is accused of failing to execute the required use of force investigation and reporting possible misconduct.
Disciplinary Hearings Count: 12	

Contact Only	
CO2020-0034	An anonymous individual reached out to OIPM regarding problematic relationships and dynamics within the NOPD's homicide department and its leadership.
Contact Only Count: 1	

Civilian within NOPD	
CN2020-0079	According to a civilian who works for the NOPD, the workplace within his department of the NOPD is toxic and this escalated into the employee's supervising Sergeant and Lieutenant inappropriately coming to his home and forcing the employee to go to PIB for a drug test.
Civilian within NOPD Count: 1	

Citizen Complaints	
CC2020-0077	Complainant alleges he was involved in a car accident on the interstate and the responding officer failed to conduct an investigation and wrongfully found him at fault. The complainant believes racial bias was a
CC2020-0078	Complainant believes the NOPD lost or took her AirPods during a police encounter.
CC2020-0083	According to the complainant, an NOPD officer, who is dating an ex-girlfriend of a family member, has been threatening the complainant and possibly abusing his position to influence the outcome of a custody issue between the complainant's family member and the ex-girlfriend.
Citizen Complaints Count: 3	

Complaints and Discipline

The OIPM serves as an alternative site for civilians and police officers alike to file complaints of misconduct against the NOPD. These complaints and allegations are compiled into referrals by the OIPM and provided to the Public Integrity Bureau (PIB) for them to investigate. The OIPM monitors and reviews the classification and investigation conducted by PIB. If the complaint continues into a disciplinary proceeding, the OIPM will continue to monitor and review the disciplinary process. OIPM monitors and reviews disciplinary proceedings conducted by NOPD to ensure accountability and fairness. The OIPM reviews the disciplinary investigation and attends the subsequent disciplinary hearings where the OIPM will provide systemic and individualized findings and recommendations based on NOPD's investigation. The OIPM conducts a thorough review of the proceedings, findings, and recommendations that is available for review by both the NOPD and the New Orleans community.

3

**CITIZEN
COMPLAINTS**

12

**DISCIPLINARY
PROCEEDINGS**

3

**POLICE INITIATED
COMPLAINTS**

2

**ANONYMOUS
COMPLAINTS**



Community-Police Mediation

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation is a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the civilian and officer to be fully heard and understood in a non-judgmental way.

11

**MEDIATIONS
REFERRED**

I liked the chance to talk
and that the mediators
were good listeners. The
process turned out good.”
– Officer Participant



2

**MEDIATIONS
HELD**

“ This was a good opportunity to
express my concerns of how things
were handled with the officer. I learned
not to categorize the entire department
because of one officer’s mistake. The
officer learned to take time to listen
before acting. This program should
continue. Please don’t stop!”
–Civilian Participant

4

**MEDIATIONS
PENDING**

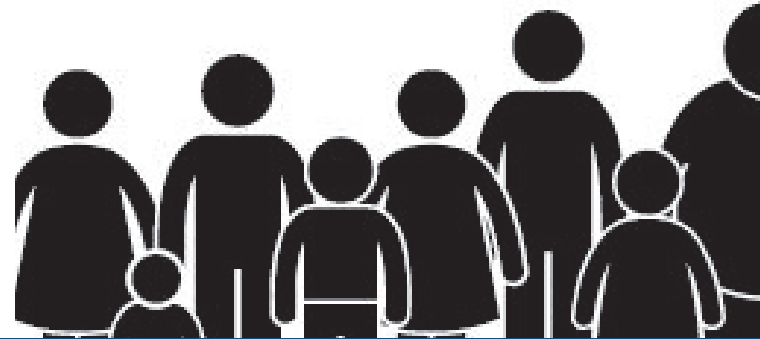
Community Relations

OIPM participates in community events to help extend the message of the OIPM and participates in activities to impact the nature of the relationships the community has with police officers. OIPM is committed to being present in the community, but also presenting helpful information to the public.

September 18, 2020 - Learn Your Rights in the Community - Liberty's Kitchen

September 22, 2020 - STAND WITH KIDS Rally

September 29, 2020 - Criminal Law Seminar - Loyola Law School



Monthly Report of Ethics Trainer

No report received.

Item 1

(d) Restrictions on appointment.

1. A former or current elected official or employee of New Orleans city government, including a former or current elected official or employee of governmental entities that receive funds directly or indirectly from the city or its citizens, may not be appointed inspector general within ~~four~~ two years following the end of such individual's period of service. This restriction shall not prohibit the reappointment of an inspector general currently holding the position of New Orleans Inspector General.

a. Notwithstanding the foregoing restriction, employees of the office of inspector general who have served in the office for two or more years may be immediately eligible for appointment to the position of inspector general.

2. A former or current elected official or employee of the state or its political subdivisions may not be appointed inspector general within ~~four~~ two years following that individual's period of service.

a. Notwithstanding the foregoing restriction, employees of the office of inspector general of the state or its political subdivisions who have served in any such office for two or more years may be immediately eligible for appointment to the position of inspector general.

3. The inspector general shall not hold, nor be a candidate for, any elective office while inspector general, or for four years thereafter. The inspector general shall not hold office in any political party or political committee, nor shall he/she participate in any political campaign of any candidate for public office, nor make any campaign contribution or campaign endorsement, while inspector general.

a. An officer or employee of the office of the inspector general shall not hold, or be a candidate for, any elective office while an officer or employee, or for four years thereafter. An officer or employee of the office of the inspector general shall not hold office in any political party or political committee, or participate in any political campaign of any candidate for public office, or make any campaign contribution or campaign endorsement, while an officer or employee of the office of inspector general.